

**RESOLUTION NO. RS2018-1502** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Donna Farmer against the Metropolitan Government in the amount of \$15,000.

On August 25, 2013, Ms. Farmer was walking on the sidewalk in front of the Music City Center with two family members. She attempted to cross Fifth Avenue South near the crosswalk. At the time, Fifth Avenue South between Demonbreun and Koreans Veterans Boulevard was closed to vehicle traffic and lacked a final paving topcoat due to construction related to the Omni Hotel and Country Music Hall of Fame expansion. The crosswalk was open to pedestrians, though no markings had been applied to the street because of the lack of the paving topcoat. Ms. Farmer tripped on a raised portion of the concrete gutter when she attempted to step up onto the sidewalk. She fell and suffered two torn ligaments and fractured two bones near her right elbow. The entire sidewalk and curb ramp had a one to two inch concrete lip because of the absence of the paving topcoat on the street. Ms. Farmer asserts that the concrete lip caused her fall.

Ms. Farmer sought treatment for torn ligaments and a fracture to two bones near her right elbow. She required two surgeries and was unable to use her right arm for an extended period. She also required two rounds of physical therapy after surgery and continues to have reduced capabilities with her right arm. She has agreed to accept a total of \$15,000 in full settlement of this case. (The Metropolitan Government asserted fault against two other entities – Brassfield & Gorrie and Civil Constructors – and Ms. Farmer now appears to have resolved her claims against these entities.)

The Department of Law recommends settlement of this claim for \$15,000. It is anticipated that Ms. Farmer could be awarded between \$75,000 and \$200,000 if the case were to proceed to trial.

*Fiscal Note: This \$15,000 settlement would be the eighteenth payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$1,004,552.87. The fund balance would be \$4,492,832 after this payment.*